Biological Technical Report

Uptown Newport Village, City of Newport Beach
Orange County, California

DRAFT REPORT

Prepared for:

The Planning Center|DC&E
1580 Metro Drive
Costa Mesa, CA 92626
Contact: JoAnn Hadfield/Director Environmental Services

Prepared by:

Cadre Environmental
701 Palomar Airport Road, Suite 300
Carlsbad, CA 92011
Contact: Ruben S. Ramirez, Jr./Research Biologist

January 2012

CADRE Environmental

TABLE OF CONTENTS

LIST OF FIGURES

INTRODUCTION

The following biological technical report describes a detailed assessment of potential sensitive natural resources located within and immediately adjacent to the Uptown Newport Village project site (Study Area). Specifically, the report has been prepared to support the California Environmental Quality Act (CEQA) documentation process conducted by the City of Newport Beach, California. As discussed below, the assessment includes a thorough literature review, site reconnaissance characterizing baseline conditions (including floral and faunal and dominate vegetation communities), impact analysis, and recommended mitigation measures.

PROJECT LOCATION

The approximately 25-acre Study Area is located at 4321 Jamboree Road in the City of Newport Beach as shown in Figure 1, *Regional Location Map*, and Figure 2, *Study Area Map*. The Study Area is currently developed (Jazz Semiconductor) with light industrial/manufacturing uses in association with parking lots and scattered ornamental plantings within and adjacent to the facilities.

PROJECT DESCRIPTION

As described by The Planning Center I DC&E:

> "*The project would redevelop the existing industrial uses with a mix of residential, commercial, and open space uses. Up to 1,244 residential united, 11,500 square feet of neighborhood-serving commercial space, and two acres of park space are proposed. Proposed buildings would range from 30 feet to 75 feet high, with residential towers up to 150 feet high (13 stories). Residential product types would be for-sale products with a mix of townhomes, mid-rise and high-rise condominiums, and affordable housing. An upscale sit-down restaurant would be a part of the 11,500 square feet of neighborhood-serving commercial development*." (The Planning Center I DC&E 2011)

METHODOLOGY

LITERATURE REVIEW

Existing biological resource conditions within and adjacent to the Study Area were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were reviewed in conjunction with anticipated federally listed species potentially occurring within the Study Area. The California Natural Diversity Database (CNDDB), a California Department of Fish and Game (CDFG) Natural Heritage Division species account database, was also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the sources reviewed provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other sources of information included the review of unpublished biological resource letter reports and assessments.

Figure 1 - Regional Location Map

Biological Technical Report
Uptown Newport Village

CADRE Environmental

not to scale

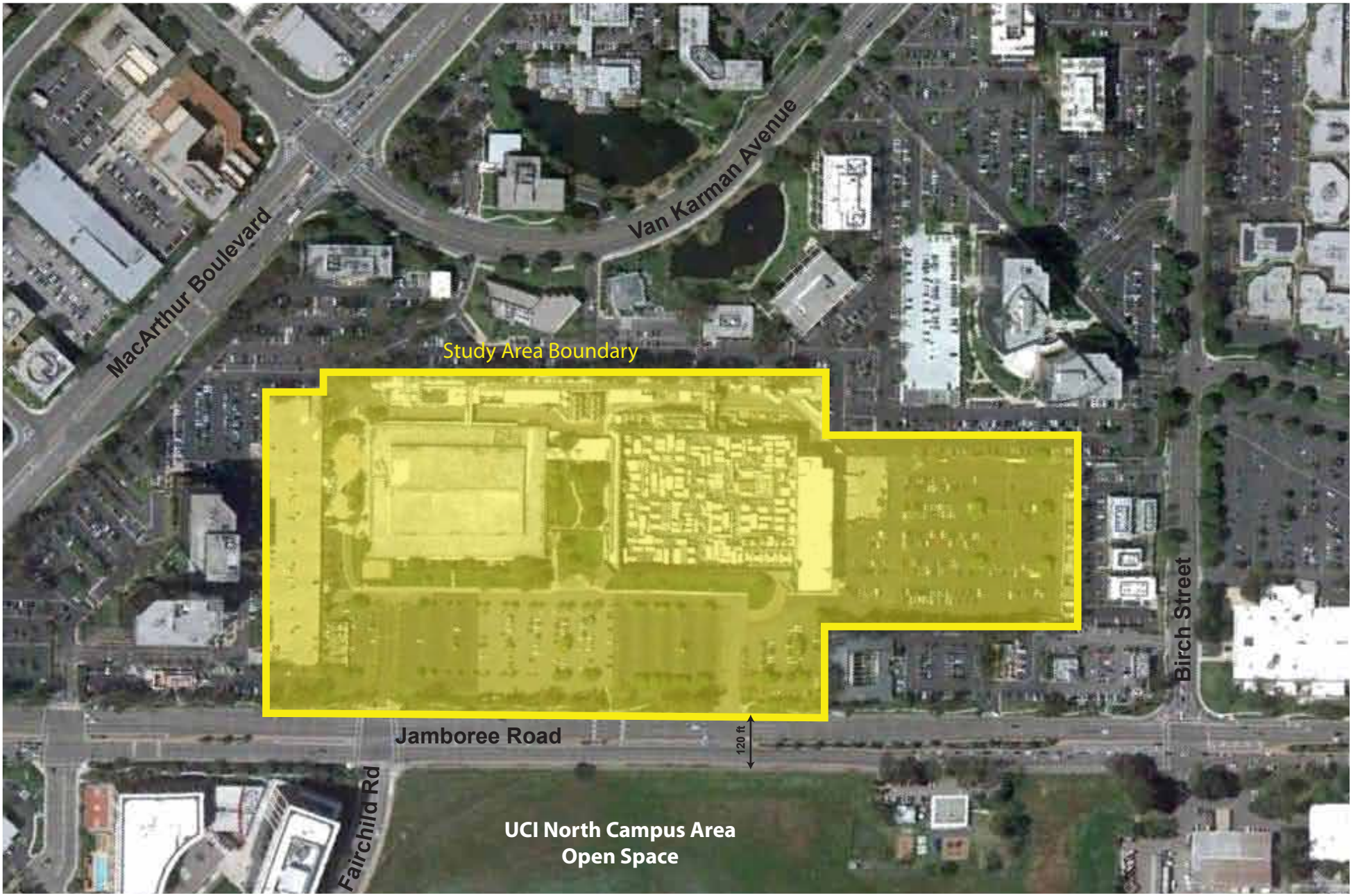

Figure 2 - Study Area Map

Biological Technical Report
Uptown Newport Village

CADRE Environmental

1 inch = 300 feet

Primary current references for federally listed sensitive species include USFWS listings of federally threatened and endangered plants and animals and candidate reviews, published in the Federal Register.

The CNDDB, the state's authoritative inventory of the locations of sensitive species and habitats, was consulted (January 2012) regarding potential sensitive resources on the property. Other CDFG reports and publications consulted include the following:

- State and Federally Listed Endangered and Threatened Animals of California, 2011;
- Special Animals, 2011;
- Endangered, Threatened, and Rare Plants of California, 2011; and
- Special Vascular Plants and Bryophytes List, 2011.

FIELD SURVEY

An initial reconnaissance survey of the Study Area was conducted by Ruben Ramirez, Cadre Environmental on November 28th 2011 in order to characterize and identify potential sensitive plant habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, and vegetation and rare plant maps prepared by previous studies in the region were used to determine community types and other physical features that may support sensitive plants, uncommon taxa, or rare communities that occur within the Study Area.

Vegetation Communities/Habitat Classification Mapping

Plant community designations were determined according to the Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986 and 1992 update), and Manual of California Vegetation (Sawyer and Keller-Wolf 1995). Unique classifications were developed for those habitat types not addressed in Holland or Sawyer and Keller Wolf.

Floristic Plant Inventory

A general plant survey was conducted throughout the Study Area during the initial reconnaissance in a collective effort to identify all species occurring onsite.

All plant species observed were recorded in field notes and are included in the vegetation community description. Plant taxonomy generally follows Roberts et al. (2004) or recent generic treatments published by the Flora of North America project, and family classification follows the recommendations of the Angiosperm Phylogeny Group (APG 2002). Common plant names, when not available from Hickman, were taken from Roberts et al. (2004). Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were recorded onto a 1:200 scale orthorectified color aerial photograph or documented using a global positioning system (GPS). In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species.

Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2012 for amphibians and reptiles), the American Ornithologists' Union (1983 and supplemental) for birds, and Baker et al. (2003) for mammals. Scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Regional Connectivity/Wildlife Movement Corridors

The analysis of wildlife movement corridors associated with the Study Area and immediate vicinity is based on information compiled from literature, analysis of the aerial photograph and Digital Orthophoto Quarter Quads (DOQQ) data, and direct observations made in the field during the reconnaissance site visit.

A literature review was conducted that included documents on island biogeography (studies of fragmented and isolated habitat "islands"), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field-verified digital DOQQ data, in conjunction with the GIS database, allowed proper identification of regional vegetation communities and drainage features. This information was crucial to assessing the relationship of the Study Area to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in this report are intended to focus on wildlife movement associated within the Study Area and the immediate vicinity.

Jurisdictional Resources

Prior to beginning the reconnaissance site assessment, a 200-scale color aerial photograph, a 200-scale topographic base map of the Study Area, and the United States Geological Survey (USGS) Tustin topographic map were examined to determine the locations of potential areas of U.S. Army Corps of Engineers (Corps) and/or CDFG jurisdictional features.

EXISTING CONDITIONS

LOCATION AND SURROUNDING LAND USES/TOPOGRAPHY

The entire Study Area is developed with elevations ranging from between 40-50ft (msl). With the exception of the southeast boundary, the entire property is bordered by existing light industrial/manufacturing, office, and restaurant facilities. The southeast boundary is immediately adjacent to Jamboree Road (approx. 120ft width) and directly across from the University of California Irvine (UCI) North Campus current open space lands. The

proposed long range development plan for this open space is mixed use (MBA 2007). As stated by MBA:

> "*The grassland community in the North Campus Area, east of Jamboree Road, exhibits relatively low diversity and is primarily dominated by non-native annual grasses such as wild oats, bromes, and hare barley, as well as a prevalence of ruderal (weedy) herbs and forbs, particularly mustard, fennel, and artichoke thistle (Cynara cardunculus). Previous studies conducted for the North Campus Area describe the grassland community in this area as the least diverse grassland habitat on the campus in terms of its value to wildlife but also recognized that the area provides foraging and potential breeding habitat for various common mammals, birds, and reptiles*." (MBA 2007)

The San Joaquin Freshwater Marsh Reserve is located immediately southeast of the UCI North Campus open space approximately 1,000ft southeast of the Study Area.

VEGETATION COMMUNITIES

As previously stated, the entire Study Area is developed with scattered patches of ornamental landscaping. No native vegetation communities occur within or immediately adjacent to the property as illustrated in Figure 3, *Vegetation Communities* and Figures 4-6, *Current Study Area Photographs*.

Ornamental plantings located on the perimeter of the structures and scattered throughout the parking areas include an understory of African daisies (*Gazania* sp.) and St. Augustine (*Stenotaphrum secundatum*). Scattered tree and shrub species include olive (*Olea europaea*), blue gum (*Eucalyptus globulus*), Pine (*Pinus* sp.), king palms (*Archontophoenix Cunninghamiana*), magnolia (*Magnolia* sp.), Brazilian pepper tree (*Schinus terebinthifolius*), bottlebrush (*Callistemon* sp.), bird of paradise (*Strelitzia reginae*), cut-leaf philodendron (*Philodendron bipinnatifidum*), and weeping fig (*Ficus benjamina*).

GENERAL PLANT & WILDLIFE SPECIES

The non-native ornamental vegetation community discussed above provides limited habitat for wildlife. While a few species of birds may utilize the ornamental plantings for roosting and/or nesting, the majority of the Study Area does not provide suitable foraging, nesting/breeding, movement or refugia for common or sensitive wildlife species.

Amphibians

The common Baja California chorus frog (*Pseudacris hypochondriaca*) may occasional occur within the Study Area within ornamental landscaping that experience extensive irrigation. However, no other common amphibian species are expected to occur onsite.

Reptiles

The common Great Basin fence lizard (*Scleroporus occidentalis biseriatus*), may occasionally occur within the Study Area. However, no other common reptile species are expected to occur onsite.

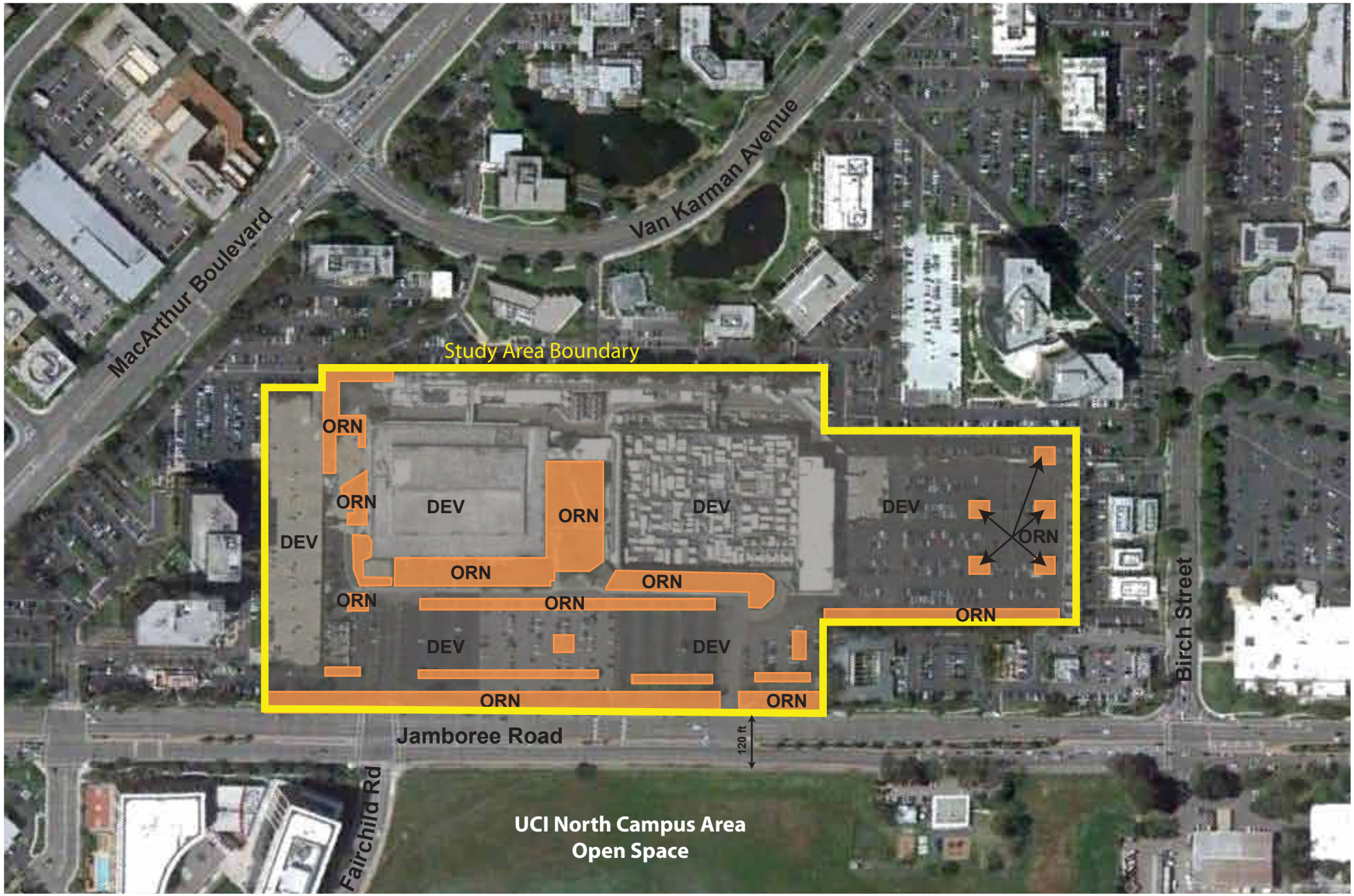

Figure 3 - Vegetation Communities

Biological Technical Report
Uptown Newport Village

CADRE Environmental

1 inch = 300 feet

Top: Northeast view from central region of Study Area. The entire Study Area is characterized as developed and ornamental landscaping.

Bottom: Southwest view from central region of Study Area. Scattered regions of ornamental landscaping occur throughout the developed region of the Study Area. No native vegetation occurs within the Study Area.

Figure 4 - Current Study Area Photographs
Biological Technical Report
Uptown Newport Village

CADRE Environmental

Top: Westward view of Study Area from northeast project site boundary.

Bottom: Westward view of Study Area along southeastern project site boundary. A large region of the Study Area is characterized as developed asphalt parking with interspersed ornamental landscaping.

Figure 5 - Current Study Area Photographs
Biological Technical Report
Uptown Newport Village

CADRE Environmental

Top: Westward view of Study Area from southern project site boundary.

Bottom: Westward view of southeast Study Area boundary adjacent to Jamboree Road. Approximately 120ft (Jamboree Road) separate the Study Area from the UCI North Campus open space habitat located southwest of the project site.

Figure 6 - Current Study Area Photographs
Biological Technical Report
Uptown Newport Village

CADRE Environmental

Birds

As previously stated, the ornamental plantings located onsite represent suitable roosting and nesting habitat for several common bird species that have become naturalized to urban environments. Although no nests were documented within the Study Area during the reconnaissance survey, several common birds species were observed and include rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis saya*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), house finch (*Carpodacus mexicanus*), and house sparrow (*Passer domesticus*).

Raptors

Although no raptors or nests were documented within the Study Area, the larger trees represent potential roosting and nesting habitat for common species including the red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparveruis*). However, based on the extensive use of the Study Area for light industrial use and proximity to Jamboree road, onsite nesting is not expected to be a frequent occurrence.

Mammals

Occurrence of common mammal species is expected to be low based on the absence of native or suitable non-native vegetation communities. However, occasional use of the Study Area by desert cottontails (*Sylvilagus audubonii*) and Norway rats (*Rattus norvegicus*) is expected. Although no sign of bat species utilizing the ornamental landscaping or buildings was documented, occasional use of common species may occur.

JURSISDICTIONAL FEATURES

Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. There are no wetlands onsite, given that the entire site is in a highly urbanized area of the City and consists of buildings, paved areas, and ornamental landscaped areas. Specifically, no jurisdictional features regulated by the Corps or CDFG occur within or immediately adjacent to the Study Area.

SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present within the Study Area boundaries, which have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by either state or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal Endangered Species Acts (FESA). Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS.

CDFG uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFG, USFWS, and conservation groups like California Native Plant Society (CNPS) maintain watch lists of such resources.

FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed fish or wildlife species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take."

Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants and prohibits, in pertinent part, the following actions.

> "*To remove and reduce to possession any such species from areas under Federal jurisdiction; maliciously damage or destroy any such species on any such area; or remove, cut, dig up, or damage or destroy any such species on any other area in knowing violation of any law or regulation of any state or in the course of any violation of a state criminal trespass law* …"

16 U.S.C. § 1538(a)(2)(B). The Section 9(a)(2) prohibitions applicable to listed plant species may be contrasted with the Section 9(a)(1) "take" prohibitions applicable to listed wildlife and fish species, where "take" is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." 16 U.S.C. §§ 1532(19), 1538(a)(1). Section 9 does not prohibit "take" of listed plant species.

50 Fed. Reg. 39681, 39690 (Sept. 30, 1985) (emphases added)[1], for purposes of this assessment, the following acronyms are used for federal status species:

[1] *Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS.*

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FBC	Federal Birds of Conservation Concern
FSS	Forest Service Sensitive

When a project proponent plans to conduct an activity that requires a federal action, such as issuance of a clean water act Section 404 permit or coverage of storm water discharges from general construction activities the federal agency is required to determine whether the proposed project "*may affect*" a listed species. If so, the federal agency must initiate Section 7 consultation with USFWS to ensure that the federal agency's action will not result in "jeopardy" to the species or adverse modification or destruction of its critical habitat (if critical habitat is designated).

Section 7 consultation may be formal or informal: if the federal agency determines that the proposed action is "*not likely to adversely affect*" the species or critical habitat, it must issue a letter so stating to USFWS. If USFWS provides a written concurrence letter, Section 7 consultation is complete. If the federal agency determines that the action may adversely affect the species, or if USFWS does not concur with a "*not likely to adversely affect*" determination, the agency must conduct formal consultation. Formal consultation requires the preparation of a biological assessment by the agency and the project applicant and concludes when USFWS issues a biological opinion. A biological opinion will include terms and conditions with which the agency and the project applicant must comply in order for the incidental take authorization provided by the biological opinion to be valid.

Where a federal nexus does not occur, or where a project proponent seeks to obtain assurances provided under USFWS's "No Surprises" regulation, the project proponent may develop a Habitat Conservation Plan (HCP) under Section 10 of the FESA. The HCP then serves as the basis for issuance of an incidental take permit for the species covered in the HCP (included species not listed at the time of permit issuance but which may be listed at a later date).

It is important to note that while the Section 9(a)(2)(b) regulations do not prohibit private individuals from killing listed plants, the Section 7(a)(2) provisions prohibiting federal agencies from actions, e.g., issuing permits, that may result in jeopardy or adverse modification.

The designation of critical habitat can also have a significant impact on the development of land designated as "*critical habitat*." The FESA prohibits federal agencies from taking any action that will "*adversely modify or destroy*" critical habitat. (16 U.S.C. § 1536(a)(2).) This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the Service who then issues a biological opinion evaluating whether the action will "*adversely modify" critical habitat*. Thus, the designation of critical habitat effectively gives the Service extensive regulatory control over the development of land designated as critical habitat.

The Migratory Bird Treaty Act (MBTA) makes it unlawful to "*take*" any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, the Republic of Mexico, Japan, and the Union of Soviet States. For purposes of the MBTA, "*take*" is defined as to pursue, hunt, capture, kill, or possess or attempt to do the same to. As with the FESA, the Act also authorizes the Secretary to issue permits for take. The procedures for securing such permits are found in CFR Title 50*,* together with a list of the migratory birds covered by the act. The USFWS has determined that an incidental take permit issued under Section 10 of the FESA also constitutes a Special Purpose Permit under 50 CFR 21.27 for migratory birds that are listed under the FESA. For unlisted migratory bird species, the Section 10 permit would serve as a Special Purpose Permit should a Covered Species become listed in the future.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (USFWS 2009). For golden eagles, the Section 10 permit would serve as a Special Purpose Permit should golden eagles become listed in the future.

STATE PROTECTION AND CLASSIFICATIONS

California's Endangered Species Act (CESA) defines an endangered species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1st, 1985 is a threatened species." Candidate species are defined as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." CESA Section 2085 affords candidate species protection as though they were already listed as threatened or endangered, provided the required noticing provisions have been complied with. Unlike the federal ESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided..." Under the California Endangered Species Act, "take" is defined as "...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require "...permits or memorandums of understanding..." and can be authorized for "...endangered species, threatened species, or candidate species for scientific, educational, or management purposes." Sections

1901 and 1913 of the CDFG Code that requires notification to CDFG 120 days prior to disturbance so salvage may be conducted.

State law also includes provisions that are similar to the federal MBTA. Fish and Game code Section 3503 prohibits take of nest, eggs, and birds in nests and Section 3503.5 prohibits take of raptor species. Additionally, some sensitive mammals, reptiles, fish, and birds are protected by the State as Fully Protected as described in the California Fish and Game Code, Sections 4700, 5050, 5515, and 3511. California Species of Special Concern ("special" animals and plants) listings draw from special status species, including all state and federal protected and candidate taxa, Bureau of Land Management and U.S. Forest Service sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFG's CNDDB project. Informally listed taxa are not protected per se, but warrant consideration in, among other things, the preparation of biotic assessments.

For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
CSC	California Species of Special Concern
CWL	California Watch List

California Native Plant Society

The California Native Plant Society is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001) and CNPS 7th Inventory Online 2007. The list serves as the candidate list for listing as threatened and endangered by CDFG. The CNPS has developed five categories of rarity:

List 1A	Presumed extinct in California.
List 1B	Rare, threatened, or endangered in California or elsewhere.
List 2	Rare, threatened, or endangered in California, but more common elsewhere.
List 3	Plant species for which additional information is needed before rarity can be determined.
List 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat.

As stated by CNPS "*The CNPS Threat Rank is an extension added onto the CNPS List and designates the level of endangerment by a 1 to 3 ranking, with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all List 1B's, List 2's and the majority of List 3's and List 4's. List 4's may contain a Threat Rank of 0.2 or 0.3; however an instance in which a Threat Rank of 0.1 is assigned to a List 4 plant has not yet been encountered. List 4 plants generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions still exist to make the plant a species of concern and hence be placed on a CNPS List. In addition, all List 1A (presumed extinct in California), and some List 3 (need more information) and List 4 (limited distribution) plants, which lack threat information, do not have a Threat Rank extension*" (CNPS 2007). The Threat rank extensions include:

- 0.1-Seriously threatened in California (high degree/immediacy of threat)
- 0.2-Fairly threatened in California (moderate degree/immediacy of threat)
- 0.3-Not very threatened in California (low degree/immediacy of threats or no current threats known)

SENSITIVE HABITATS

No sensitive habitats are located within or immediately adjacent to the Study Area. The Study Area is characterized as an existing light industrial manufacturing facility with associated ornamental landscaping.

SENSITIVE PLANTS

No sensitive plant species were detected or expected to occur within or immediately adjacent to the Study Area. The Study Area is characterized as an existing light industrial manufacturing facility with associated ornamental landscaping. In regards to the UCI North Campus open space located southeast of the Study Area across from Jamboree Road, MBA Associates states:

> "*No special status plant species have been observed or are considered potentially present within the North Campus Area*." (MBA 2007)

SENSITIVE WILDLIFE

No sensitive wildlife species were detected or are commonly expected to occur within or immediately adjacent to the Study Area. The Study Area is characterized as an existing light industrial manufacturing facility with associated ornamental landscaping. The Study

Area is completely surrounded by office buildings and significant roadways including Jamboree Road. Although no raptor or passerine nests were documented within or immediately adjacent to the Study Area as discussed below, the large ornamental trees and shrubs located within and adjacent to the property may occasionally represent roosting/nesting and foraging habitat for species tolerant of extensive indirect impacts (light and noise). Also, the ornamental landscaping may represent suitable roosting habitat for sensitive bat species know to occur within the region. Therefore, based on the presence of large ornamental trees and shrubs onsite and the potential for thirteen (13) sensitive bird species and two (2) sensitive bat species to utilize the grassland habitats within the UCI North Campus open space extending southeast from Jamboree Road and the Study Area, the following sensitive species assessment includes a general description of natural history and determination for the potential for each species to occur onsite.

White-tailed kite (*Elanus leucurus*)

Status: SFP

Habitat, Natural History, and Distribution: Riparian, oak woodlands adjacent to large open spaces including grasslands, wetlands, savannahs and agricultural fields. This nonmigratory bird species occurs throughout the lower elevations of California and commonly nests in coast live oaks (Unitt 2004).

Occurrence Potential: No white-tailed kites or nests were documented within the Study Area. Although individuals may occasionally roost in the larger trees located within the Study Area, nesting is not expected due to the high level of indirect impacts including noise and light associated with the industrial development onsite and proximity to Jamboree Road. No foraging habitat is present within the Study Area.

Northern harrier (*Circus cyaneus*)

Status: CSC

Habitat, Natural History, and Distribution: Generally associated with marshes, this species will also commonly forage and breed in grasslands and dense vegetation on the ground. Although present year-round, numbers increase during the winter extending from September to March (Unitt 2004).

Occurrence Potential: No northern harrier were documented or expected to occur within the Study Area. No foraging or breeding habitat is present within or immediately adjacent to the Study Area.

Cooper's hawk (*Accipiter cooperii*)

Status: CWL

Habitat, Natural History, and Distribution: Most commonly found within or adjacent to riparian/oak forest and woodland habitats. This species has adapted to urban settings and will utilize ornamental trees such as

Eucalyptus and pines for nesting (Unitt 2004). This uncommon resident of California increases in numbers during winter migration.

Occurrence Potential: No Cooper's hawk or nests were documented within the Study Area. However, the larger Eucalyptus trees located onsite represent potential roosting and nesting habitat.

Swainson's hawk (*Buteo swainsoni*)

Status: FBC, ST

Habitat, Natural History, and Distribution: This rare migrant no longer nests in southern California where it historically bred along riparian woodlands and foraged within adjacent grasslands (Unitt 2004).

Occurrence Potential: The Swainson's hawk is not expected to occur onsite based on a lack of suitable breeding and foraging habitat.

Golden eagle (*Aquila chrysaetos*)

Status: FBC, CWL, SFP

Habitat, Natural History, and Distribution: This resident species commonly breeds on steep cliffs and less commonly in large trees while foraging within large open spaces including grasslands, savannahs and scrub communities. The golden eagle is an uncommon species throughout southern California.

Occurrence Potential: The golden eagle is not expected to occur within the Study Area based on a lack of suitable breeding and foraging habitat.

Prairie falcon (*Falco mexicanus*)

Status: FBC, CWL

Habitat, Natural History, and Distribution: The prairie falcon is most commonly found nesting inland at least 23 miles from the coast (Unitt 2004). This species lays eggs directly on cliff ledges or bluffs and do not build nests (Unitt 2004). This species occurs throughout the inland portions of California adjacent to large arid habitats.

Occurrence Potential: The prairie falcon is not expected to occur within the Study Area based on a lack of suitable breeding and foraging habitat.

American Peregrine falcon (*Falco peregrinus anatum*)

Status: FBC, SFP

Habitat, Natural History, and Distribution: This very rare resident and uncommon migrant in California is most commonly detected along coastal regions breeding within cliff ledges. This species has also been documented to breed in tall buildings, bridges and towers (Small 1994).

Occurrence Potential: The American peregrine falcon is not expected to breed onsite based on a lack of suitable habitat. Although a rarely occurring species in this region, occasional foraging of species documented onsite including mourning dove and rock dove may occur.

Burrowing owl (*Athene cunicularia*)

Status: CSC

Habitat, Natural History, and Distribution: This uncommon migratory species of lowland regions of California occurs within open grassland and scrub habitats with nesting occurring within existing mammal burrows.

Occurrence Potential: The burrowing owl is not expected to occur within or immediately adjacent to the Study Area based on a lack of suitable breeding and foraging habitat.

Short-eared owl (*Asio flammeus*)

Status: CSC

Habitat, Natural History, and Distribution: This rare southern California migratory species occurs and breeds within grassland, saltwater/freshwater marsh, meadows, and agricultural habitats (Unitt 2004, Small 1994).

Occurrence Potential: The short-eared owl is not expected to occur within the Study Area based on a lack of suitable breeding and foraging habitat.

Long-eared owl (*Asio otus*)

Status: CSC

Habitat, Natural History, and Distribution: This rare resident species breeds and forages in riparian forest habitats in coastal regions and oak woodlands within its interior range of distribution (Unitt 2004). The long-eared owl typically breeds in abandoned raptor nests in willows, oak, cottonwood and occasionally in Eucalyptus (Unitt 2004).

Occurrence Potential: The long-eared owl is not expected to occur within the Study Area based on a lack of suitable breeding (lack of raptor nests) and foraging habitat. Although no raptor nests were documented onsite, future nesting by common species including the red-tailed hawk could provide breeding opportunities for the species.

California horned lark (*Eremophila alpestris actia*)

Status: CWL

Habitat, Natural History, and Distribution: This generally nonmigratory bird occurs within open habitats including coastal strand, arid grassland, desert and disturbed habitats (Unitt 2004). This widespread California

resident breeds on the ground within sparsely vegetated regions of grasslands and forbs.

Occurrence Potential: The California horned lark is not expected to occur within or immediately adjacent to the Study Area based on a lack of suitable breeding and foraging habitat.

Coastal California gnatcatcher (*Polioptila californica californica*)

Status: FT, CSC

Habitat, Natural History, and Distribution: This nonmigratory bird species primarily occurs within sage scrub habitats in coastal southern California dominated by California sagebrush (*Artemisia californica*), and California buckwheat (*Eriogonum fasciculatum*).

Occurrence Potential: The coastal California gnatcatcher is not expected to occur within or immediately adjacent to the Study Area based on a lack of suitable breeding and foraging habitat.

Southern California rufous-crowed sparrow (*Aimophila ruficeps canescens*)

Status: CWL

Habitat, Natural History, and Distribution: This nonmigratory bird species primarily occur within sage scrub and grassland habitats and to a lesser extent chaparral subassociations (Unitt 2004). This species generally breeds on the ground within grassland and scrub communities in the western and central regions of California.

Occurrence Potential: The Southern California rufous-crowned sparrow is not expected to occur within or immediately adjacent to the Study Area based on a lack of suitable breeding and foraging habitat.

Mexican long-tongued bat (*Choeronycteris mexicana*)

Status: CSC

Habitat, Natural History, and Distribution: This migratory species is a nectar feeder (agave and cacti) extending throughout the southwestern United States. Although this species primarily roosts in caves and mines it will occasionally utilize manmade structures and are not known to utilize tree foliage (H.T. Harvey & Associates 2004)

Occurrence Potential: The Mexican long-tongued bat is not expected to occur onsite based on a lack of suitable resources expected to commonly be utilized by the species.

Western mastiff bat (*Eumops perotis californicus*)

Status: CSC

Habitat, Natural History, and Distribution: This relatively non-migratory species occur in a variety of habitats including low desert scrub, chaparral, oak woodland and ponderosa pine where they frequently roost in crevices of cliff faces or granite boulders, rarely in buildings, and are not known to utilize tree foliage (H.T. Harvey & Associates 2004).

Occurrence Potential: The western mastiff bat is not expected to occur onsite based on a lack of suitable resources expected to commonly be utilized by the species.

Critical habitat designations by the USFWS were researched to determine if any of the Study Area is located within USFWS critical habitat. The Study Area does not occur within a designated critical habitat for federally endangered or threatened species.

REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT CORRIDORS

Overview

Wildlife corridors link areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967; Soule 1987; Harris and Gallager 1989; Bennett 1990). Corridors effectively act as links between different populations of a species. A group of smaller populations (termed "demes") linked together via a system of corridors is termed a "metapopulation." The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a population's genetic variability is generally associated with an increase in a population's health.

Corridors mitigate the effects of habitat fragmentation by:

(1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity;

(2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and

(3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983; Fahrig and Merriam 1985; Simberloff and Cox 1987; Harris and Gallagher 1989).

Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range

activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as "wildlife corridor", "travel route", "habitat linkage", and "wildlife crossing" to refer to areas in which wildlife moves from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

Travel Route: A landscape feature (such as a ridge line, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

Wildlife Corridor: A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as "habitat or landscape linkages") can provide both transitory and resident habitat for a variety of species.

Wildlife Crossing: A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These are often "choke points" along a movement corridor.

Wildlife Movement Within Study Area

Based on the definition presented above, the Study Area does not represent a wildlife movement corridor. The Study Area is completely developed, possesses non-native habitats and is bordered by industrial, office and roadways that would significantly restrict movement though the Study Area. Although the ornamental trees are expected to be occasionally utilized by resident and migratory bird species for roosting and potentially nesting, this does not constitute characterizing the Study Area as a movement corridor.

FEDERAL MIGRATORY BIRD TREATY ACT CONSIDERATION

The Study Area supports several large ornamental trees and shrub vegetation that have potential to support nesting migratory birds. The MBTA makes it unlawful to "take", possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R.21). For purposes of the MBTA, "take" generally means the killing of an individual bird or destruction of an egg.

Removal of the ornamental trees and shrubs between September 15th and January 31st, prior to project development, would likely ensure that there would not be any constraints associated with the MBTA because the period avoids the avian breeding season. If this is not possible, it is recommended that a qualified biologist conduct a nesting bird

survey(s) within three (3) days of proposed ornamental vegetation removal in order to prevent any violations of the MBTA.

IMPACTS

The following sections include an analysis of the direct, indirect, and cumulative effects of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible, quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

Cumulative impacts refer to incremental, individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor but may be collectively significant. Cumulative effects include future Tribal, local, or private actions that are reasonably certain to occur in the proposal vicinity considered in this report. A cumulative impact to biological resources may occur if a project has the potential to collectively degrade the quality of the environment, substantially reduce the habitat of wildlife species or cause a population to drop below self-sustaining levels, thereby threatening to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal species.

THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the California Environmental Quality Act (CEQA) at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

> "*Prevent the elimination of fish and wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities*…"

The following definitions apply to the significance criteria for biological resources:

- "*Endangered*" means that the species is listed as endangered under state or federal law.
- "*Threatened*" means that the species is listed as threatened under state or federal law.
- "*Rare*" means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.
- "*Region*" refers to the area within southern California that is within the range of the individual species.

- "*Sensitive habitat*" refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.

- "*Substantial effect*" meads significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

Impacts to biological resources are considered significant if one or more of the following conditions would result from implementation of the proposed project.

- Direct loss of individuals of a state- or federally-listed threatened or endangered species.

- Substantial effect on a species or native plant or animal community.

- Substantial effect on a sensitive habitat.

- Substantial effect on a critical, yet limited, resource utilized by state or federal listed threatened or endangered species.

- Substantial effect on the movement of any resident or migratory fish or wildlife species.

Also, the determination of impacts has been made according to the federal definition of "*take*". The federal FESA prohibits the "*taking*" of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). The FESA defines "*take*" as "*to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect*" an endangered or threatened species, or to attempt to engage in these activities.

DIRECT IMPACTS

Sensitive Habitats

The proposed project would impact 25 acres of existing industrial development and associated ornamental landscaping. These non-native habitats are not characterized as sensitive communities and have a low biological value. The nearest sensitive habitats include water bodies and associated freshwater marsh habitats located in the San Joaquin Freshwater Marsh approximately 900 feet southeast of the site. There are no sensitive natural communities located within or immediately adjacent to the Study Area. No impact would occur.

As previously stated, there are no wetlands onsite, given that the entire site is in a highly urbanized area of the City and consists of buildings, paved areas, and ornamental landscaped areas. No impact would occur.

Sensitive Plants

No sensitive plants were documented or expected to occur within the Study Area due to a lack of suitable habitat. Therefore, there would be no impact on sensitive plants species and no mitigation would be required. No impact would occur.

Sensitive Wildlife

No sensitive wildlife species were documented or commonly expected to occur within or immediately adjacent to the Study Area. Although no raptor nests were documented within the Study Area, the large trees (*Eucalyptus*) may provide suitable roosting, nesting and foraging habitat for white-tailed kite, Cooper's hawk, and long-eared owl. The American peregrine falcon may also occasionally forage onsite based on the presence of the mourning dove and rock dove (not a covered species under the MBTA). The loss of an active raptor nest of common and sensitive species would be considered a violation of the CDFG Code, Section 3503, 3503.5, 3513 and MBTA, as discussed below. Therefore, the loss of any sensitive species nest, roosting and/or foraging habitat would be considered a potentially significant impact. Impacts to sensitive raptors would be reduced to less than significant with the implementation of Biological Mitigation Measure 1 (BIO-1).

Regional Connectivity/Wildlife Movement Corridors

The Study Area does not represent a regional or local wildlife movement corridor. Therefore, there would be no impact on regional movement corridors and no mitigation would be required. No impact would occur.

Federal Migratory Bird Treaty Act Consideration

No active bird nests were documented within or immediately adjacent to the Study Area. However, the ornamental landscaping represents suitable nesting habitat for common as well as sensitive resident and migratory bird species documented and/or expected to occur within the Study Area. The loss of an active nest of common or sensitive bird species would be considered a violation of the CDFG Code, Section 3503, 3503.5, 3513, and federal MBTA. Therefore, the loss of any bird species nest would be considered a potentially significant impact. Impacts on active resident and migratory bird nests would be reduced to less than significant with the implementation of Biological Mitigation Measure 1 (BIO-1).

Local Policies or Ordinances

The City of Newport Beach does not have a tree preservation ordinance applicable to trees on private property. Chapter 13.09 (Parkway Trees) of the City's Municipal Code requires new development to plant trees no less than thirty-six inch box of the type, variety and/or species determined by the City in accordance with the Street Tree Designation List, in the parkway abutting the building site. The proposed project would include parkway trees consistent with requirements in Chapter 13.09. Impacts would be less than significant.

Natural Communities Conservation Plan

The Study Area is in the plan area of the Orange County Central-Coastal Natural Communities Conservation Plan (NCCP). However, the site is not in an area designated

as a preserve under the NCCP. The closest designated NCCP preserve is located within San Diego Creek approximately 0.4 mile south of the Study Area (NROC 2005). The Study Area is not in the plan areas of any habitat conservation plans other than the NCCP (USFWS 2011). No impact would occur.

INDIRECT IMPACTS

Noise

Noise levels in the Study Area would temporarily increase over present levels during project construction. During construction, temporary noise impacts have the potential to disrupt foraging, nesting, and roosting, of passerines and raptors known and/or expected to occur within/adjacent to the Study Area. These impacts are considered adverse, but not significant for most bird species, because the work would be temporary and localized, and the construction activities would not impact a substantial population of bird species. In addition, initial clearing of ornamental landscaping is proposed to occur outside of the nesting season to avoid impacts to nesting birds. However, nesting passerines and raptors would potentially incur temporary short-term impacts from construction noise if nesting occurs in the vicinity of the proposed project. This impact would be considered potentially significant. Implementation of Biological Mitigation Measure 1 (BIO-1) would reduce this potential impact to less than significant.

Night Lighting

There would be no night lighting as a result of project construction and final development would not increase ambient lighting above current levels. The Study Area is separated from existing open space (UCI North Campus) by Jamboree Road (120ft width). Therefore, there would be no impact on biological resources located within UCI North Campus open space located southeast of the Study Area. No impact would occur.

CUMULATIVE IMPACTS

The temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts to environmental resources within the region of the Study Area. The Study Area is completely developed by a light industrial manufacturing facility and associated parking facilities. The redevelopment effort would not cumulatively reduce the extent of natural resources within the region of the Study Area.

RECOMMENDED MITIGATION MEASURES

BIO-1 FEDERAL MIGRATORY BIRD TREATY ACT

Impacts to nesting passerine and raptor bird species are prohibited under the MBTA. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 C.F.R. Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 C.F.R. 21). Suitable nesting bird habitat has been documented within and immediately adjacent to the proposed action area within the ornamental landscaping. Therefore, to remain in compliance with CDFG Code, Section 3503, 3503.5, 3513 and the MBTA, nesting bird surveys will be conducted within and

adjacent to the action area prior to and during all proposed actions conducted between January 31st and September 15th.

Prior to conducting any proposed actions during the breeding season (January 31st and September 15th), the monitoring biologist will conduct a pre-construction survey/surveys to identify any active nesting locations in and near the project area no more than three (3) days prior to project initiation. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. If the biologist finds an active nest within or adjacent to the action area and determines that the nest may be impacted, the biologist will delineate an appropriate buffer zone around the nest. Any active nests observed during the survey will be mapped on a recent aerial photograph including documentation of GPS coordinates. Only specified activities (if any), as approved by the qualified biologist, will take place within the buffer zone until the nest is vacated.

The proposed action area is located adjacent to an open space area favored by several resident and migratory raptor species. Surveys for active raptor nests will be performed in all ornamental landscaping including trees and shrubs no more than three (3) days prior to commencement of any activities during the raptor nesting season generally extending from January 31st and June 30th. Active raptor nests observed during the survey will be mapped on a recent aerial photograph including documentation of GPS coordinates. Restrictions on activities will be required in the vicinity of the nest until the nest is no longer active as determined by the qualified biologist.

Typically, a 300- to 500-foot buffer zone will be designated around a nest to allow activities to proceed while minimizing disturbance to the active nest. Once the nest is no longer active, the proposed action may proceed within the buffer zone. Impacts on active raptor nests will be avoided.

LITERATURE CITED

Bauder, E. and, S. McMilian 1998, The distribution of vernal pools in southern California: in Witham, C. W., Bauder, E. T., Belk, D., Ferren, W. R., Jr., and Ornduff, R. (eds.), Ecology, conservation and management of vernal pool ecosystems: Proceedings from a 1996 Conference, California Native Plant Society (Sacramento, California).

Bowler, P.A., and Elvin, M.A. 2004. Vascular Plant Checklist for the University of California Natural Reserve System's San Joaquin Freshwater Marsh Reserve. Crossosoma 29(2), Fall-Winter 2003 [issued August 2004].

California Native Plant Society. 2010. Inventory of Rare and Endangered Plants in California, 8th Edition, Online WWW.CNPS.org.

H.T. Harvey & Associates. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness.

Lentz, Joan E. 2006. Introduction to Birds of the Southern California Coast. University of California Press, Berkley and Los Angeles California.

Michael Brandman Associates. 2007. General Biological Resources and Sensitive Species Update – UCI Long Range Development Plan, Irvine, Orange County, California.

Nature Reserve of Orange County (Nature Reserve). 2005, August 25. Central and Coastal Reserve Design.

PBS&J. 2010. City of Newport Beach, Uptown Newport Village Specific Plan Project, Initial Study.

Sawyer, John O., and T. Keeler-Wolf. 1995. A Manual of California Vegetation. Sacramento: California Native Plant Society.

Small, Arnold. 1994. California Birds – Their Status and Distribution.

State of California Resources Agency. 2011. Department of Fish and Game. Natural Diversity Database (CNDDB). Database Record Search for Information on Threatened, Endangered, Rare, or Otherwise Sensitive Species and Communities, Tustin Quadrangle.

State of California Resources Agency. 2011. Special Animals.

State of California Resources Agency. 2011. State and Federally Listed Endangered and Threatened Animals of California.

State of California Resources Agency. 2011. State and Federally Listed Endangered and Threatened and Rare Plants of California.

State of California Resources Agency. 2011. Department of Fish and Game. Natural Diversity Database. Special Vascular Plants Bryophytes, and Lichens List.

The Planning Center/DC&E. 2011. Initial Study For: Uptown Newport. (PA 2011-134).

Unitt, Philip, O. 2004. San Diego County Bird Atlas.

U.S. Department of the Interior, Fish and Wildlife Service, Federal Register; 59 CFR Part 17 (16742-16757) March, 1993; Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Coastal California Gnatcatcher.

U.S. Department of the Interior, Fish and Wildlife Service, Federal Register; 59 CFR Part 13 and 22 (46836-46879) September 11th 2009; Eagle Permits; Take necessary To Protect Interests in Particular Localities; Final Rules

U.S Fish and Wildlife Service (USFWS). 2011, October 31. Habitat Conservation Plans. http://ecos.fws.gov/conserv_plans/servlet/gov.doi.hcp.servlets.PlanReport.

Contact: Ruben S. Ramirez, Jr. 949-300-0212, r.ramirez@cadreenvironmental.com